

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *[Signature]* D.C.  
05 AUG 19 PM 3:43

CONSOLIDATED CONTAINER )  
COMPANY LP, )  
vs. )  
WARREN UNILUBE, INC., )  
DEFENDANT. )

PLAINTIFF, )  
CIVIL ACTION  
FILE NO. 05-2371 BV

THOMAS H. GOULD  
CLERK, U.S. DISTRICT COURT  
WD OF TN, MEMPHIS

JOINT ~~PROPOSED~~ SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 26(f), a conference among the parties was held via teleconference on August 9, 2005. Participating were Steven M. Collins, Christina Hull Eikhoff, Lucian Pera and Amy Pepke, counsel for plaintiff, and Benjamin N. Thompson, Christine F. Mayhew and Mary Katherine Hovious, counsel for defendant. At the conference, the following dates were agreed upon as the final dates for:

INITIAL DISCLOSURES PURSUANT to Fed. R. Civ. P. 26(a)(1): August 19, 2005.

JOINING PARTIES: October 25, 2005.

AMENDING PLEADINGS: October 25, 2005.

INITIAL MOTIONS TO DISMISS: November 25, 2005.

COMPLETING ALL DISCOVERY: February 27, 2006.

(a) DOCUMENT PRODUCTION: February 27, 2006.

(b) DEPOSITIONS, INTERROGATORIES AND  
REQUESTS FOR ADMISSIONS: February 27, 2006.

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 8-19-05

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(c) EXPERT WITNESS DISCLOSURE (Rule 26):

(1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: December 27, 2005.

(2) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: January 27, 2006.

(3) EXPERT WITNESS DEPOSITIONS: February 27, 2006.

FILING DISPOSITIVE MOTIONS: March 31, 2006.

The parties have also filed a Joint Report to Court Regarding Rule 26(f) Planning Meeting and Proposed Plan for Discovery ("Discovery Plan"), which reflects further agreement with respect to a litigation plan for this case. The parties' Discovery Plan is hereby incorporated by reference.

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for jury trial, and the trial is expected to last 5 to 7 days. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

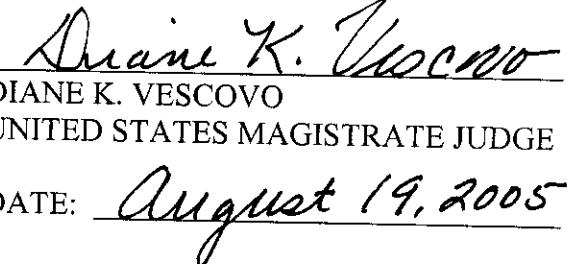
The parties are reminded that pursuant to Local Rule 11(a)(10)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59 and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.

  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE  
DATE: August 19, 2005

JOINTLY PREPARED AND SUBMITTED BY:

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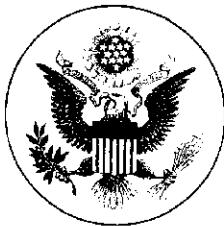
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# Notice of Distribution

This notice confirms a copy of the document docketed as number 32 in case 2:05-CV-02371 was distributed by fax, mail, or direct printing on August 19, 2005 to the parties listed.

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